



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, MARCH 02, 2010

MINUTES

Mayor	Maher Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

Mayor Maso called the meeting to order at 5:33 p.m.

1. ROLL CALL

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistants to the City Manager, Ben Brezina, John Eaglen, and Daniel Ford; Director of Development Services, John Lettelleir; Director of Engineering Services, Paul Knippel; Director of Library Services, Shelley Holley; Parks & Recreation Planner, Dudley Raymond; City Attorney Richard Abernathy; City Secretary, Jenny Page; Public Works Director, Gary Hartwell; and Utilities Maintenance Supervisor, Ray Humphries.

CLOSED SESSION

Bob Allen moved to Recess into Closed Session at 5:34 p.m., and include LGC Section 551.071(i) receive legal advice on the Arts of Collin County from the Supplemental Agenda, Bart Crowder seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Receive legal advice and update on Cause 296-01766-2008; Black Lab Partnership Fund, Ltd. vs. City of Frisco.
 - ii. Receive legal advice regarding Day Labor issue.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. South of US 380, North of The Colony city limits and North of 121, East of FM 423, and West of Hillcrest Road
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Jeff Cheney moved to Reconvene into Regular Session at 7:12 p.m. Bob Allen seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session.

INVOCATION

Council member David Prince led the Invocation.

PLEDGE OF ALLEGIANCE

Webelo Den Pack 290, 4th & 5th graders from Pink, Boals, and Carroll Elementary Schools led the audience in the United States and the Texas Pledge of Allegiance.

PROCLAMATIONS

Mayor Maso presented an Official Recognition from Governor Rick Perry and the State of Texas to David Prince for exceptional service to the Frisco Chamber of Commerce.

4. Gary Hartwell- 20 years of service

Mayor Maso presented a proclamation to Gary Hartwell proclaiming March 02, 2010 as "Gary Hartwell Day" for his 20 years of service. Gary's wife, Pam Hartwell, was present on stage as well.

5. Ray Humphries- 20 years of service

Mayor Maso presented a proclamation to Ray Humphries proclaiming March 02, 2010 as "Ray Humphries Day" for his 20 years of service. Ray's wife accompanied him on the stage as his supervisor, Gary Hartwell, commented that Ray is known by his coworkers for his honesty, integrity, and hard working attitude.

Following Proclamations, Mayor Maso continued the meeting by moving to Citizen Input at 7:31 p.m.

REPORTS

6. 2010 Census Committee Update.

Complete Count Census Committee Chairman Bill Woodard presented information and updated the Council on the status of the committee. Mr. Woodard welcomed questions from Citizens.

7. Frisco Public Library -- 2009 Achievement of Excellence in Libraries Award from the Texas Municipal Library Directors Association

Shelley Holley presented the Achievement of Excellence Award from the Texas Municipal Library Association. Staff members present were Tre Colvin, Gary Werchan, Mayra Diaz, and Adela Arteaga.

8. Library report on programming and usage activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

9. Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development

Parks & Recreation Planning and Capital Projects Sup., Dudley Raymond, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

10. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Mayor Maso continued the meeting by moving to the Consent Agenda.

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

Former Mayor Mike Simpson, 5617 Widgeon Way, Frisco, Texas, congratulated the City for bringing the NCAA Conference to the City of Frisco.

Dr, Jim Joyner, 2950 Little Horn Circle, Frisco, Texas, spoke in favor of a 1000 foot variance for selling alcohol near a church or school.

Brenda Cottrell, 8521 Malibu St., Frisco, Texas, spoke in opposition to Section 8 housing.

Mayor Maso continued the meeting by moving back to the Reports section of the agenda.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Jeff Cheney moved to approve all Items in the Consent Agenda. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

11. Consider and act on the February 16, 2010 City Council and February 18, 2010 Special City Council Mid Year Work Session meeting minutes. (CSO/JP)
12. Consider and act on amendment of Resolution No. 10-02-09R and Ordinance No. 10-02-03 adding a provision for the designation of additional Voting locations as specified by the Collin County Elections Administrator.. (CSO/JP)
 - A. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas, Amending Resolution No. 10-02-09R to include a provision in Section 3 of the Resolution related to the designation of additional Early Voting locations; and providing for an effective date. (CSO/JP) 10-03-32R
 - B. Consider and act upon an Ordinance of the City Council of the City of Frisco, Texas, Amending Ordinance No. 10-02-03 to include a provision in Section 8 of the Ordinance related to the designation of additional Early Voting Locations; and providing for an effective date. (CSO/JP) 10-03-14
13. Review and accept the Quarterly Investment Report. (Financial Services/AC)
14. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Kennedy Consulting, Ltd. to perform Design, Bid Package Preparation, and Construction Administration Services for Eldorado Parkway (Preston Road to Custer Road) (Engineering/JB) 10-03-33R
15. Consider and Act on a Resolution approving the terms and conditions of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding the hiring of a Police Officer to serve as a School Resource Officer. (Police/GW) 10-03-34R
16. Consider and Act on a Resolution approving the terms and conditions of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for funding the hiring of a Police Officer to serve and as a Juvenile Detective. (Police/GW) 10-03-35R
17. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding under the Victims of Crime Act Grant Program and authorizing the submission of the grant application by the City Manager or his designee. (Police/GW) 10-03-36R
18. Consider and act on acceptance of a grant award of \$134,400 from the Transportation Energy Efficiency Traffic Signal Synchronization or Replacement Stimulus Grant Program of the Texas Comptroller of Public Accounts and authorize the City Manager to sign the grant agreement. (Engineering/BM) 10-

03-37R

19. Consider and Act upon approving a resolution authorizing the City Manager to execute a settlement agreement with Insurance Company of the West and the City of Frisco regarding Hummingbird Park and Beavers Bend Park. 10-03-38R
20. Consider and act upon approval of the purchase of emergency vehicle preemption equipment, from Consolidated Traffic Controls. (Engineering/TJ)
21. Consider and act upon approval of a purchase order to Specialty Vehicle Solutions for the purchase of one-(1) Police surveillance vehicle. (Police/TJ)
22. Consider and act upon approval of a purchase order to Caldwell County Chevrolet for the purchase of three-(3) Police pursuit vehicles. (Police/TJ)
23. Consider and act upon award of RFP#1010-014, Employee Benefits Insurance Consultant to Holmes Murphy & Associates, Inc., and approval of a resolution authorizing the City Manager to execute an agreement for these services. (HR/TJ) 10-03-39R

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bob Allen moved to approve the Legislative Agenda. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

24. Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Child Day Care Center on one lot on 2.8± acres on the south side of Main Street, 250± feet east of Calimar Drive. Zoned Commercial-1. Neighborhood #42. SUP09-0012. (Development Services/SM) 10-03-15

REGULAR AGENDA

Mayor Maso began the Regular Agenda with Item 26 to accommodate citizens that might be waiting to speak in relation to SUP 09-0011.

25. Presentation and Acceptance of the Fiscal Year 2009 Comprehensive Annual

Financial Report and Auditor's Report (Financial Services/AC)

Finance Director Anita Cothran was present to address Council regarding the 2009 Comprehensive Annual Financial Report and Auditor's Report.

David Prince commented that the auditors were very complementary in regard to staff and only found one issue that needed correction.

David Prince moved to approve the Presentation and Acceptance of the Fiscal Year 2009 Comprehensive Annual Financial Report and Auditor's Report. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso continued to Item 27.

26. Public Hearing: Specific Use Permit SUP09-0011. A request for a Specific Use Permit for a Child Day Care Center on one lot on 2.3± acres on the east side of Legacy Drive, 1,260± feet south of Eldorado Parkway, and consider and act to direct staff to prepare an ordinance of the same. Zoned Planned Development-171-Retail. Neighborhood #46. (Development Services/RC)

John Lettelleir addressed the Council regarding a request for Specific Use Permit SUP09-0011 for a Child Day Care Center on one lot on 2.3± Acres on the east side of Legacy Drive, 1260± feet south of Eldorado Parkway.

Bob Allen moved to open the Public Hearing. Bart Crowder seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Scott Johnson moved to close the Public Hearing. Pat Fallon seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Jeff Cheney moved to approve a Public Hearing: Specific Use Permit SUP09-0011. A request for a Specific Use Permit for a Child Day Care Center on one lot on 2.3± acres on the east side of Legacy Drive, 1,260± feet south of

Eldorado Parkway, and consider and act to direct staff to prepare an ordinance of the same. Zoned Planned Development-171-Retail. Neighborhood #46. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso moved to the Supplemental Agenda Item 3 in regard to the Arts of Collin County Project.

3. Discussion and provide direction on the Arts of Collin County Project.

Mayor Maso gave a brief history of the project to this point.

Former Mayor Mike Simpson and Executive Director of the Arts of Collin County presented a slide show and information. Many supporters, staff and Board Members of the ACC were in the audience.

Mayor Maso moved to public comments.

Citizens in favor of selling Bonds to move forward with the Arts Center:

Joy West, 10913 Promise Land, Frisco, Texas 75035

Jim Minyard, 6 Innisbrook Ct., Frisco, Texas 75034

Dr. Jim Joyner, 9950 Little Horn Cr., Frisco, Texas 75035

David Duston, 5930 Dustin Trail, Frisco, Texas 75034

Janice Berg, 7111 Maurnee Valley, Frisco, Texas 75034

Liudmila B. Duston, 5930 Dustin Trail, Frisco, Texas 75034

Sharon Weinberg, 8319 Fair Oaks, Frisco, Texas 75034

Mayor Bob Warren, 7601 Williams Ave., Frisco, Texas 75034

John Classe, 14688 Ballentrae Dr., Frisco, Texas 75035

Libby Maus, 4821 Augusta Dr., Frisco, Texas 75034

Craig Sundell, 400 Montclair Drive, Allen, Texas 75013

Gay Worley, 5592 Hidden Creek Ln., Frisco, Texas 75034

Charles Worley, 5592 Hidden Creek Ln., Frisco, Texas 75034

Mel Wentz, 5403 Widgeon Way, Frisco, Texas 75034

Marilyn Wentz, 5403 Widgeon Way, Frisco, Texas 75034

Doohi Lee, 2390 Parkwood Blvd., Frisco, Texas 75024

Donna Gidick, 4782 White Bluff Drive, Frisco, Texas 75034

Dan Mergen, 5635 Widgeon Way, Frisco, Texas 75034

Beverly Jacob, 5527 Widgeon Way, Frisco, Texas 75034

Tom Jacob, 5527 Widgeon Way, Frisco, Texas 75034

Angie Porter, 5653 Widgeon Way, Frisco, Texas 75034

Chase Porter, 5653 Widgeon Way, Frisco, Texas 75034

Sandy Simpson, 5617 Widgeon Way, Frisco, Texas 75034

Sonny Moyers, 5616 Gadwell, Dr., Frisco, Texas 75034
Alan J. Brody, 7532 St. Petersburg Dr., Frisco, Texas 75034
Justine Sweeney, 6954 Redcreek Trail, Frisco, Texas 75035
Hal Colvin, 1538 Morris Ln., Frisco, Texas 75034
Ken Pardue, 11540 Valverde Ln., Frisco, Texas 75035
Becky McCants, 11000 Reisling Dr., Frisco, Texas 75035
Julie Daniels, 6719 Single Creek Trail, Frisco, Texas 75035
Amy Hardin, 11932 Salisbury Dr., Frisco, Texas 75035
Sue DeMille Minyard, 6 Innisbrook Ct., Frisco, Texas 75034
Isabel P. Sem, 10390 Ridgecrest, Frisco, Texas 75034
Cynthia Hurley, 8106 Fisher Drive, Frisco, Texas 75034
Karen Kroesen, 2500 Legacy Drive, Ste. 100, Frisco, Texas 75034
Audie Adkins, 10905 Reisling Dr., Frisco, Texas 75035
Jan Henning, 1541 Stone Canyon Dr., Frisco, Texas 75034
Jordan Valdez, 2412 Bridgeport Dr, Little Elm, Texas 75068
Rhonda Martin, 5305 Spicewood Lane, Frisco, Texas 75034
Erica Hunt, 4 Champions Court, Frisco, Texas 75034
Curtis Wade, 11700 Lebanon Rd, Frisco, Texas 75034
Lianne Friedel, 867 Burnswick, Frisco, Texas 75034
Tim H. Nelson, 10412 Noel Drive, Frisco, Texas 75035
Mike Simpson, 5617 Widgeon Way, Frisco, Texas 75034

Citizens in opposition to selling Bonds to move forward with the Arts Center:

Bob du Fief, 4476 Mariner Dr., Frisco, Texas 75034
Randall Martin, 2246 Greenwood, Frisco, Texas 75034
Donny McIver, 8571 Davis Dr., Frisco, Texas 75034
Toni Fabry, 4992 Iroquois Dr, Frisco, Texas 75034
Clifford Sosamon, 11398 Plainview Dr., Frisco, Texas 75035
Bill Woodard, 11545 La Grange Dr., Frisco, Texas 75035
Donald W. McIver Sr., 5778 Blazing Star Rd., Frisco, Texas 75034
Brooke Stephens, 4497 Liam Drive, Frisco, Texas 75034
Petra Vandergriend, 449 Burnswick Isles Way, Frisco, Texas 75034
Al Gibson, 7570 Angel Trace Dr., Frisco, Texas 75034
Richard Wolfe, 6940 Sugar Tree Lane, Frisco, Texas 75034
Dick Abernethy, 7422 St. Petersburg Dr., Frisco, Texas 75034
A. C. "Toby" Richesin, 603 Pine Hill Drive, Frisco, Texas 75034
Jean McIver, 5778 Blazing Star, Frisco, Texas 75034
Robert Savoy, 7400 St. Petersburg Dr., Frisco, Texas 75034
Chris Beck, 10312 Forrest Drive, Frisco, Texas 75035
Tom Fabry, 4992 Iroquois Dr., Frisco, Texas 75034
Mike Gfeller, 3790 Neptune Circle, Frisco, Texas 75034
Scott Dillingham, 5017 Oak Knoll Ln, Frisco Texas 75034

Citizens with no position on the Arts of Collin County but against raising taxes and wishing the issue on the May Ballot.

Joe Cotton, 5178 Longvue Dr., Frisco, Texas 75034

David Russell, 10015 Mallory, Frisco, Texas 75035

Opinion Not Marked

Jeremy Foret, 9399 Wade Blvd. #8107, Frisco, Texas 75034

Mary Lou Fairchild, 12258 Gray Hawk, Frisco, Texas 75034

Jeff Cheney moved to Recess at 10:37 p.m. Bob Allen seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Jeff Cheney moved to Reconvene into Regular Session at 10:54 p.m. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Each member voiced their opinion for direction:

Bart Crowder - supports the project but do not revote at this time.

David Prince - supports the project but does not feel this is the time to move forward and should be revoted in November or May.

Bob Allen - do not revote. A vote in May would be about the tax rate.

Jeff Cheney - would not have supported going to bid at this time but would support a revote.

Pat Fallon - bonds should be revoked by bringing the issue to vote in May.

Scott Johnson - should be revoted in May.

Mayor Simpson addressed Council with concerns and answered questions. He felt that a vote was the wrong way to go and waiting would be more expensive. Kevin Cain, 2329 Elgin Dr., Plano, Texas, with Hunt Construction Group, the construction manager for the project, commented that prices are trending upward in price.

Mayor Maso voiced his opinion that Council should honor the commitment that was made in 2002 by selling bonds.

Mayor Maso asked if Council wished to direct staff to schedule a special meeting before March 8, 2010 to call an election. The majority agreed to call a

special meeting for Monday, March 8, 2010 at 2 PM to consider and act on calling a Special Election.

Mayor Maso continued the meeting by moving to Item 25.

27. Consider and Act Upon Appointment of Members to the Citizen Advisory Committee for the Photographic Traffic Signal Enforcement System. (CMO/NL)

Bart Crowder made a motion to Table the Item. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

28. Consider and Act Upon Changing the Date of the Second March Regular City Council meeting to Thursday, March 25, 2010. (Mayor Maso)

Bart Crowder moved to approve changing the date of the second Regular City Council meeting in March to Thursday, March 25, 2010. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

29. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

No appeals were presented.

30. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Schedule a Special Meeting with Executive Session for March 8, 2010 to act on Arts of Collin County Project.
- Appointments to Citizen Advisory Committee.

31. Discussion on Governance Monitoring of present City Council Meeting.

Council member David Prince gave the Council a B-.

ADJOURN

Jeff Cheney moved to approve Adjourn at 1:02 a.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)

Maher Maso, Mayor

ATTEST:

Jenny Page, City Secretary